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Remarks

Claims 1-11 and 18-24 are pending in the application and are presented for reconsideration. Claims 3, 8-11 and 18-24 have been amended. Claims 12-17 were previously canceled. Claims 1-2 and 4-7 remain in the application unchanged. No new matter has been added.

Status of Claims

Claim 22 is objected to.

Claims 18-24 are rejected under 35 U.S.C. § 101 as reciting claimed subject matter that does not produce a useful, concrete and tangible result.

Claims 18 and 23-24 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-11 are allowed.

1. Claim Objections

The Examiner has provided a number of examples of claim deficiencies denoting possible antecedent issue. Specifically, the Examiner provides a non-inclusive list of examples, including:

Claim 22, line 3, change "nominal speed" to --nominal tape speed--.

Claim 22 has been amended to correct "nominal speed" to --nominal tape speed--.

The Applicant has further amended Claims 3, and 8-11 of the allowed claims to correct grammar (Claims 3 and 8) and remove any further deficiencies (Claims 9-11) which could arguably be construed as lacking antecedent basis.

No new matter has been added.

The Applicant respectfully submits that the objections to the claims are now overcome.

2. Claim Rejections under 35 U.S.C. § 101

Claims 18-24 are rejected under 35 U.S.C. § 101 as reciting claimed subject matter that does not produce a useful, concrete and tangible result.

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Claims 18-24 have been amended to recite "a parameter evaluator which indicates that said received parameters are effective for said drum design when a number of successful simulated readings of a plurality of selected tracks reaches a predetermined threshold". The output of the parameter evaluator is clearly a useful, concrete and tangible result in that it provides a concrete indication as to whether or not the simulation parameters are effective for the drum design being simulated.

The Applicant respectfully submits that the rejection of Claims 18-24 under 35 U.S.C. § 101 are now overcome.

3. Claim Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 18-24 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to Claims 23 and 24, there is insufficient antecedent basis for the limitation "the amount of overlap" in lines 5 and 6, respectively. Claims 23 and 24 have been amended to clarify the limitations, which has resulted in the removal of the limitation "the amount of overlap". This rejection is now overcome.

With regard to Claims 23 and 24, there is insufficient antecedent basis for the limitation "the area" in lines 6 and 7, respectively. Claims 23 and 24 have been amended to clarify the limitations, which has resulted in the removal of the limitation "the area". This rejection is now overcome.

Entry of Amendment After Final Proper

The amendments to the claims made herein are non-substantive, and are such as to merely comply with all formal requirements of the present Office Action to overcome each objection and each claim rejection.

Under 37 C.F.R. § 1.116(b)(1), an amendment may be made canceling claims or complying with any requirement of form expressly set forth in an Office Action. The Examiner stated objections to the Claims which the Applicant has

corrected in this reply. Furthermore, all amendments to the Claims made herein are merely to correct the form of the claims and are not made to overcome any cited prior art. Accordingly, entry of the Amendment is proper under 37 C.F.R. § 116(b)(1).

Further, under 37 C.F.R. § 1.116(b)(3), an amendment touching the merits of the application may be admitted upon a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented. In the present application, Claims 18-24 were deemed to recite allowable subject matter in the previous Office Action dated October 13, 2006. In the reply to that Office Action, Applicant amended Claims 18-24 to comply with the Examiner's requirements. The present Office Action now, for the first time in the prosecution to date, newly rejects Claims 18-24 under 35 U.S.C. § 101 as failing to recite a useful, concrete and tangible result. Thus, Claims 18-24 were not previously amended because the Applicant was of the opinion that the claims as previously presented did in fact recite a useful, concrete and tangible result. It was only upon being made aware in the present Office Action that 35 U.S.C. § 101 was to be applied to Claims 18-24 that the Applicant considered the present amendment to Claims 18-24. For this reason, in the interest of fairness to the Applicant and expediency in the patent process, the amendments to Claims 18-24 should be entered.

Pursuant to 37 C.F.R. § 1.116(b)(1) and (3), the present Amendment should therefore be entered.

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Conclusion

In view of the foregoing remarks, it is respectfully submitted that Claims 1-11 and 18-24 are in condition for allowance. Reexamination and reconsideration are respectfully requested.

Should the Examiner have any questions regarding this amendment, or should the Examiner believe that it would further prosecution of this application, the Examiner is invited to call the undersigned.

Respectfully submitted,

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